IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4168 of 2005

Between:

1 P. Satyavathi W/o Yedukondalu
R/o Chintalapudi (V&M), West Godavari District
2 P. Suryanarayana S/o Paparao
R/o Chintalapudi (V&M), West Godavari District
3 V. Veeraraghavamma W/o Ramakrishna
R/o Chintalapudi (V&M), West Godavari District
4 K. Nageswara Rao S/o Venkateswara rao
R/o Chintalapudi (V&M), West Godavari District
5 G. Dhanalakshmi S/o Satyanarayana
R/o Chintalapudi (V&M), West Godavari District
6 B. Ramana S/o Satyanarayana
R/o Chintalapudi (V&M), West Godavari District

... PETITIONERS

AND

1 District Collector, West Godavari District at Eluru
2 Revenue Divisional Officer, Elluru, West Godavari District
3 Mandal Revenue Officer, Chintalapudi (M) West Godavari District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in contemplating to evict the petitioner from their respective houses and sites situated in R. Sy. No. 845/3 and 845/11 of Chintalapudi Village is illegal, irregular and violative of Article 14 and 21 of the Constitution of India and also provisions of AP Land Encroachment Act and consequently direct the respondents 1 to 3 not to evict the petitioners there from.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA
Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioners seek writ of Mandamus declaring the alleged action of the respondents 1 to 3 in seeking to evict them from their respective houses situated in R.Sy.No.845/3 and 845/11 of Chintalapudi Village as arbitrary and illegal.

The petitioners state that they being landless poor, have occupied the Government assessed waste land to an extent of Ac.0.41 cents and Ac.0.08 cents situated in R.Sy.No.845/3 and 845/11 of Chintalapudi revenue Village and they have constructed houses thereon. The petitioners claim that they have been in occupation of the said houses for the past 30 to 40 years. It is alleged that on 27-02-2005 the third respondent-Mandal Revenue Officer together with Mandal Surveyor and the Panchayat Secretary inspected the said houses and directed the petitioners to vacate the houses, failing which they will be forcibly evicted. Aggrieved by the said action, this writ petition is filed contending that the highhanded action of the respondents is arbitrary and illegal.

Even assuming that the possession of the petitioners is unauthorised, the respondents are bound to follow the due process of law for recovery of the possession from the petitioners.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession of the petitioners in respect of the houses in question, without following due process of law.

The Writ Petition is accordingly disposed of. No order as to costs.

_____

G. ROHINI, J

Dated: 15-03-2005

Note: Issue order by wire at partys' costs.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The District Collector, West Godavari District at Eluru
2 The Revenue Divisional Officer, Elluru, West Godavari District
3 The Mandal Revenue Officer, Chintalapudi (M) West Godavari District

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

5 Two C.D. copies.